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Washington, Saturday, May 18, 1940

The President

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND FOR THE USE OF THE ALASKA ROAD COMMISSION

ALASKA

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, and subject to the conditions therein expressed and to all valid existing rights, it is ordered that the following-described tract of public land in Alaska be, and it is hereby, temporarily withdrawn from settlement, location, sale, or entry and reserved for the use of the Alaska Road Commission:

Beginning at Cor. No. 1, which is a point S. 65°30' E. 30 feet at right angles from the center of the Candle Landing-Takotna Road and N. 24°30' E. 154 feet from where the road as extended would intersect the west bank of the Kuskokwim River; thence N. 24°30' E. 600 feet paralleling the last tangent on the river end of said road to Cor. No. 2; thence S. 65°30' E. 319 feet to Cor. No. 3, which is on the west bank of the Kuskokwim River; thence S. 47°41' W. 653 feet along the top of the bank of the Kuskokwim River to Cor. No. 4; thence N. 65°30' W. 62 feet to place of beginning, containing 2.62 acres more or less and located approximately 23 miles down the Kuskokwim River from McGrath and in the McGrath Recording Precinct in approximately N. Latitude 62°52' and W. Longitude 155°40'.

This order shall remain in force until revoked by the President or by act of Congress.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
May 16, 1940.

[No. 8411]

[F. R. Doc. 40-2019; Filed, May 17, 1940; 11:44 a. m.]

Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[Amendment 43 to Declaration No. 12]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS¹

MAY 1, 1940.

In accordance with section 2 of Regulation 7 of B.A.I. Order 309,² as amended effective September 10, 1936, the following named counties, having completed the necessary retests for reaccreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Arkansas: Polk, May 1, 1943.
California: Marin, May 1, 1943; San Diego, May 1, 1943; Santa Barbara, May 1, 1943.
Colorado: Delta, May 1, 1943; Montezuma, May 1, 1943; Montrose, May 1, 1943; San Miguel, May 1, 1943.
Georgia: Carroll, May 1, 1943; Clayton, May 1, 1943; Fayette, May 1, 1943; Rockdale, May 1, 1943.
Idaho: Butte, May 1, 1943.
Illinois: Madison, May 1, 1943.
Indiana: Starke, May 1, 1943.
Iowa: Lucas, May 1, 1943; Palo Alto, May 1, 1943; Wayne, May 1, 1943.
Kansas: Phillips, May 1, 1943; Rooks, May 1, 1943.
Kentucky: Boone, May 1, 1943; Clinton, May 1, 1943; Leslie, May 1, 1943; Montgomery, May 1, 1943; Todd, May 1, 1943.
Maryland: Cecil, May 1, 1943; Wicomico, May 1, 1943.
Massachusetts: Berkshire, May 1, 1943.
Minnesota: Meeker, May 1, 1946.

¹ Supplements footnote to 9 CFR 77.3.
² 1 F.R. 1338.

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Missouri: Linn, May 1, 1943; Sullivan, May 1, 1943; Wright, May 1, 1943.

Nevada: Lincoln, May 1, 1943; Ormsby, May 1, 1943.

New York: Cortland, May 1, 1943; Dutchess, May 1, 1943; Madison, May 1, 1943; Orange, May 1, 1943; Schoharie, May 1, 1943.

North Carolina: Gaston, May 1, 1943; Lincoln, May 1, 1943; Mitchell, May 1, 1943; Polk, May 1, 1943.

North Dakota: LaMoure, May 1, 1946; Stutsman, May 1, 1946; Walsh, May 1, 1946.

Ohio: Huron, May 1, 1943; Warren, May 1, 1943.

South Carolina: Marion, May 1, 1943; Marlboro, May 1, 1943.

Tennessee: Carter, May 1, 1943; Loudon, May 1, 1943; Rutherford, May 1, 1943.

Texas: Bowie, May 1, 1943; Castro, May 1, 1943; Coryell, May 1, 1943; Denton, May 1, 1943; Maverick, May 1, 1943.

Virginia: Frederick, May 1, 1943; Halifax, May 1, 1943; Pulaski, May 1, 1943.

Washington: Chelan, May 1, 1943; Ferry, May 1, 1943; King, May 1, 1943; Klickitat, May 1, 1943; Lewis, May 1, 1943; Skagit, May 1, 1943; Stevens, May 1, 1943; Thurston, May 1, 1943; Wahkiakum, May 1, 1943.

West Virginia: Pocahontas, May 1, 1943.

Puerto Rico: Canovanas, May 1, 1943; Juncos, May 1, 1943; Rio Grande, May 1, 1943.

Declaration No. 12,² dated October 1, 1936, as amended, is hereby further amended accordingly.

[SEAL]

J. R. MOHLER,
Chief of Bureau.

[F. R. Doc. 40-2010; Filed, May 16, 1940; 2:21 p. m.]

¹ 1 F. R. 2024.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[File No. 21-217]

IN THE MATTER OF TRADE PRACTICE RULES FOR THE UNIFORM INDUSTRY

Promulgation

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 10th day of May, A. D. 1940.

Due proceedings¹ having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

It is now ordered, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of May 18, 1940.

Statement by the Commission

Trade practice rules for the Uniform Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure.

The rules relate to the sale and distribution, by manufacturers, jobbers, distributors, dealers, or other marketers, of the numerous kinds of uniform apparel, which includes such wearing apparel as blouses, breeches, capes, coats, jackets, mackinaws, overcoats, reefers, shirts, trousers, vests, etc., worn as distinctive uniform or regulation dress, male or female, in official, public, private, fraternal, or social activity, or in any other types of service or organizational activity in which uniform or regulation dress is used. As promulgated, the rules are directed to the elimination and prevention of unfair methods of competition and various other unfair trade practices, and are issued in the interest of protecting industry, trade, and the public from the harmful effects of such unfair methods or practices.

According to information reported to the Commission, the manufacturers' aggregate volume of business, annually, is estimated at approximately \$23,000,000.

This proceeding was instituted upon application of members of the industry for the establishment of trade practice rules in revised form to take the place of the Uniform Industry rules published in 1934. In the course of the proceeding a draft of revised rules as proposed for the industry was made available upon public notice issued by the Commission to all interested or affected parties, whereby they were afforded opportunity to present their views, including such pertinent information, sugges-

² 5 F. R. 1023.

tions, or objections as they desired to submit, and to be heard in the premises. Accordingly, public hearing pursuant to such notice was held in Washington, D. C., on March 28, 1940, and all matters submitted in the proceeding were duly received and considered. Thereafter, and upon consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the rules appearing herein under group I and Group II.

The rules as herein promulgated supersede and replace the former rules which were issued for this industry on March 15, 1934, which former rules have now become void.

THE RULES

These rules promulgated by the Commission are designed to foster and promote fair competitive conditions in the interest of the industry and the public. They are not to be used, directly or indirectly, as part of or in connection with any combination or agreement to fix prices, or for the suppression of competition, or otherwise to unreasonably restrain trade.

Group I

The unfair trade practices which are embraced in the Group I rules are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited, within the purview of the Federal Government, by acts of Congress, as construed in the decisions of the Federal Trade Commission or the courts; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization, of such unlawful practices in or directly affecting interstate commerce.

§ 101.1 *Misrepresentation of industry products.* It is an unfair trade practice to make or publish, or cause to be made or published, directly or indirectly, any false, misleading, or deceptive statement or representation, by way of advertisement or otherwise, concerning the grade, quality, quantity, use, size, material, content, origin, shrinkage properties, color fastness, washability, design, tailoring, production, manufacture, or distribution of any product of the industry or concerning any component of such product, or in any other material respect.

NOTE: Disclosure of material content shall be made in accordance with the requirements of the applicable fiber identification rules of the Commission. (Rule 1)

§ 101.2 *Misbranding.* The false or deceptive marking or branding of products of the industry with respect to the grade, quality, quantity, use, size, material, content, origin, shrinkage properties, color fastness, washability, design, tailoring, production, manufacture, or distribution of such products, or concerning any component thereof, or in

any other material respect, is an unfair trade practice.

NOTE: Disclosure of material content shall be made in accordance with the requirements of the applicable fiber identification rules of the Commission. (Rule 2)

§101.3 *Misrepresentation as to character of business.* It is an unfair trade practice for any person, firm, or corporation to hold himself or itself out as a uniform tailor, uniform manufacturer, or uniform wholesaler, when such is not the fact, or in any other manner to misrepresent the character, extent, or type of his or its business. (Rule 3)

§101.4 *Misrepresenting uniforms as "custom made", "made to order", etc.* The sale or offering for sale, through advertising or otherwise, of uniforms as custom made, made to order, or by other representations implying or importing that a garment is to be or has been manufactured according to the measurements of an individual submitted with the order, when such is not the fact, is an unfair trade practice. (Rule 4)

§101.5 *Deceptive numbering.* It is an unfair trade practice for any member of the industry to disguise, by any special number, any standard or special fabric known to the trade by a given number, in such manner or under such circumstances as to have the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public into the erroneous belief that a superior fabric is being offered for sale when such is not the fact, or of deceiving the purchasing or consuming public in any other respect. (Rule 5)

§101.6 *Deception as to used garments.* (a) It is an unfair trade practice for any member of the industry to sell, offer for sale, advertise, or otherwise represent any uniform, or any part thereof, as being new when such is not true in fact.

(b) In the marketing of used or secondhand uniforms or uniforms containing used or secondhand parts, it is an unfair trade practice to fail or refuse to make full and nondeceptive disclosure, by tag or label attached to the product, of the fact that such uniform or parts thereof are not new but are used or secondhand, as the case may be, such failure or refusal to make disclosure having the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public. (Rule 6)

§101.7 *Deceptive use of competitor's plates, cuts, or illustrations.* It is an unfair trade practice, in the sale and distribution of industry products, to adopt for one's own use, by photostatic, photographic, or other means of reproduction, the exclusively owned plates, cuts, or illustrations of a competitor contained in such competitor's catalogs, sales publications, measure books, folders, or blanks, with the capacity and tendency or effect of thereby misleading or deceiving the purchasing or consuming public into the erroneous belief that the products so sold and distributed are products of such competitor. (Rule 7)

§101.8 *Imitation of trade-marks, trade-names, etc.* The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice. (Rule 8)

§101.9 *Substitution of products.* The practice of shipping or delivering products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without the consent of the purchaser to such substitutions, or with the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, is an unfair trade practice. (Rule 9)

§101.10 *Fictitious prices.* Offering merchandise for sale at prices purported to be reduced from what are in fact fictitious prices, or offering merchandise for sale at a purported reduction in price when such purported reduction is in fact fictitious, or is otherwise misleading or deceptive, is an unfair trade practice. (Rule 10)

§101.11 *Defamation of competitors or disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. (Rule 11)

§101.12 *Enticing away employees of competitors.* Wilfully enticing away the employees of competitors with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their businesses is an unfair trade practice. (Rule 12)

§101.13 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. (Rule 13)

§101.14 *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by

bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such a manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. (Rule 14)

§101.15 *Inducing breach of contract.* Inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers by any false or deceptive means whatsoever, or interfering with or obstructing the performance of any such contractual duties or services by any such means, with the purpose and effect of unduly hampering, injuring, or prejudicing competitors in their businesses, is an unfair trade practice. (Rule 15)

§101.16 *Selling below cost.* The practice of selling industry products below the seller's cost with the intent and with the effect of injuring a competitor and where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably restrain trade is an unfair trade practice; all elements recognized by good accounting practice as proper elements of such cost shall be included in determining cost under this rule. The costs, however, which are referred to in the rule, are actual costs of the respective seller and not some other figure or average costs in the industry determined by an industry cost survey or otherwise. (Rule 16)

§101.17 *Unfair bidding methods.* It is an unfair trade practice for a uniform manufacturer to induce a contractor or purchaser to use and apply in specifications a number to denote a style of fabric upon which bidding is to be let publicly, which number is not generally used and known to other members of the industry to denote a known fabric, or to withhold other information necessary to enable competitors to intelligently bid on the contract, where the effect may be to substantially lessen competition or tend to create a monopoly or unreasonably restrain trade. (Rule 17)

§101.18 (a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce,¹ in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce,¹ and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any

line of commerce,¹ or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however*—

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing herein contained shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce¹ from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing herein contained shall prevent price changes from time to time where made in response to changing conditions affecting either (a) the market for the goods concerned, or (b) the marketability of the goods, such as, but not limited to, actual or imminent deterioration of perishable goods, obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce,¹ in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce¹ to pay or contract for the payment of adver-

tising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale, of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce¹ to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce,¹ in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this Rule 18.

(f) *Purchases by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.* The foregoing provisions of this Rule 18 relate to practices within the purview of the Robinson-Patman Antidiscrimination Act, which Act and the application thereunder of this Rule 18 are subject to the limitations expressed in the amendment to such Robinson-Patman Antidiscrimination Act, which amendment was approved May 26, 1938, and reads as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing in the Act approved June 19, 1936 (Public, Numbered 692, Seventy-fourth Congress, second session), known as the Robinson-Patman Antidiscrimination Act, shall apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

(52 Stat. 446; Supp. 4 U. S. C. Title 15, Sec. 13c) (Rule 18)

§ 101.19 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in these rules. (Rule 19)

Group II

Compliance with the trade practice provisions embraced in the Group II rules

is considered to be conducive to sound business methods and is to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of such rules does not, *per se*, constitute violation of law. Where, however, the practice of not complying with any such Group II rules is followed in such manner as to result in unfair methods of competition, or unfair or deceptive acts or practices, corrective proceedings may be instituted by the Commission as in the case of a violation of Group I rules.

RULE A. Lawful contracts are business obligations which should be performed in letter and in spirit. The repudiation of contracts by sellers on a rising market or by buyers on a declining market is condemned by the industry.

RULE B. The industry condemns fake or fictitious bids made for the purpose of deceiving competitors and securing undue advantage. If plans and specifications are changed and new bids called for after the original bids have been submitted and opened, the same fairness should obtain as with the original bid.

RULE C. Where the buyer furnishes to one bidder, directly or indirectly, pertinent information concerning the bidding, or an interpretation of some feature of the specifications, giving this bidder an undue advantage over his competitors who have not received the same information, the industry recommends that such information or interpretation be made available to all other bidders by the buyer or his representative.

RULE D. The industry approves the practice of handling business disputes between members of the industry and their customers in a fair and reasonable manner, coupled with a spirit of moderation and good will, and every effort should be made by the disputants themselves to compose their differences. If unable to do so, they should, if possible, submit these disputes to arbitration.

Promulgated and issued by the Federal Trade Commission as of May 18, 1940.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2014; Filed, May 17, 1940; 11:03 a. m.]

TITLE 30—MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

RULES AND REGULATIONS GOVERNING PRACTICE AND PROCEDURE BEFORE THE BITUMINOUS COAL DIVISION

AMENDMENT

Section 301.112¹ of the "Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4, II (d)" is hereby amended to read as follows:

¹ 5 F. R. 696.

¹ As here used, the word "commerce" means trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States: *Provided*, That this shall not apply to the Philippine Islands.

§ 301.112 *Matters Not Governed by Foregoing Rules.* If any provision of these Rules and Regulations conflicts with any provision of the "Rules of Practice and Procedure Before the Commission", heretofore adopted and ratified by the Bituminous Coal Division, the provisions of these Rules and Regulations shall govern. In any matter not covered by these Rules and Regulations, the "Rules of Practice and Procedure Before the Commission", and all amendments thereto, whether prior or subsequent to the effective date of these Rules and Regulations, shall apply.

Dated, May 9, 1940.

[SEAL]

H. A. GRAY,
Director.

Approved, May 14, 1940.

H. L. I.,
Secretary of the Interior.

[F. R. Doc. 40-2022; Filed, May 17, 1940;
11:54 a. m.]

AMENDING THE RULES OF PRACTICE AND PROCEDURE PROMULGATED JUNE 23, 1937, AS AMENDED, OF THE NATIONAL BITUMINOUS COAL COMMISSION

Rule XXIII¹ of the "Rules of Practice and Procedure Before the National Bituminous Coal Commission", promulgated June 23, 1937, as amended, heretofore adopted and ratified by the Bituminous Coal Division, is hereby amended to read as follows:

XXIII. PETITIONS FOR FURTHER HEARINGS, REHEARINGS, REARGUMENTS, RECONSIDERATION OR MODIFICATION OF ORDERS

a. *Petition.* An application for further hearing in a proceeding before final submission or for reopening a proceeding after final submission, or for rehearing, reargument, or reconsideration after decision must be made by petition stating specifically the grounds relied upon.

b. *Form and style; service.* Petitions under this Rule must conform to the requirements of Rules XII and XIII, and must in addition contain or be accompanied by the sworn statement of the party or his or its attorney that the petition is filed in good faith and not for purposes of delay.

c. *Contents.* A petition for further hearing or for reopening a proceeding to take further evidence must (1) state briefly the nature and purpose of the evidence to be adduced, (2) show that such evidence would not be merely cumulative, that the failure previously to present such evidence is not due to lack of reasonable diligence, and (3) show cause why the petition should be granted. A petition for rehearing, reargument or reconsideration must specify the matters claimed to have been decided erroneously and must briefly state the alleged errors. A petitioner praying that an order be vacated, reversed or modified by reason of matters which have arisen since the hearing, or of consequences which would

¹ 2 F.R. 1121.

result from compliance therewith, must briefly set forth all the matters relied upon by the petitioner.

d. *Effect of petition.* No petition filed under this Rule shall automatically stay the effect of, terminate or modify any order theretofore entered, whether or not such order is one which the petitioner prays be reconsidered. Failure to file such a petition shall not constitute an abandonment of any objection theretofore properly presented and preserved by the petitioner.

e. *Time of filing.* A petition for rehearing, reargument, reconsideration, or modification of a final order must be filed within ten (10) days after the date of service of such order.

Dated, May 9, 1940.

[SEAL]

H. A. GRAY,
Director.

Approved, May 14, 1940.

H. L. I.,
Secretary of the Interior.

[F. R. Doc. 40-2023; Filed, May 17, 1940;
11:54 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 138—REVOCATION OF GENERAL LICENSE NO. 8 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

General license No. 8,¹ authorizing banking institutions within the United States to make all payments, transfers and withdrawals from accounts in the name of any of the following: Javasche Bank, Nederlandsche Handel-Maatschappij, Nederlandsch Indische Handelsbank and Nederlandsch-Indische Escompto Maatschappij, is hereby revoked.*

[SEAL]

D. W. BELL,
Acting Secretary of the Treasury.

MAY 16, 1940.

[F. R. Doc. 40-2018; Filed, May 17, 1940;
11:26 a. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER II—FOREST SERVICE

PART 231—GRAZING

REGULATIONS AMENDED

By virtue of the authority vested in the Secretary of Agriculture by the Act of Congress of February 1, 1905 (33 Stat., 628), amendatory of the Act of June 4,

¹ 5 F.R. 1732.

*Part 138; Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6560, Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; Regulations, April 10, 1940, as amended, May 10, 1940.

1897 (30 Stat., 11, 35), I. H. A. Wallace, Secretary of Agriculture, do hereby amend Regulation G-4 of the rules and regulations governing the occupancy, use protection, and administration of the National Forests (§ 231.4, *Limits and Preferences*),² by revoking the second, third, and fourth paragraphs and substituting in lieu thereof the following six paragraphs:

The lower limit will define the number of livestock beyond which a grazing preference will not be allowed to accrue by grant except when surplus range is available.

The upper limit will define the number of livestock up to which grazing preferences may be consolidated through purchase with waiver.

The special limit will define the number of livestock at which an existing grazing preference in excess of the upper limit will be given certain defined protection against reduction for wider distribution of grazing privileges.

Any grazing preference may be reduced for range protection prior to the beginning of any grazing season in any amount justified by range conditions.

No grazing preference for less than the lower limit will be reduced for wider distribution of grazing privileges.

No grazing preference between the lower and upper limit will be reduced for wider distribution of grazing privileges except in connection with sale or transfer of ranch property or livestock.

In testimony whereof, I have hereunto set my hand and official seal at the City of Washington this 17th day of May 1940.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2021; Filed, May 17, 1940;
11:51 a. m.]

Notices

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[ACP-1940-Special Counties, Kans.-1]

AGRICULTURAL CONSERVATION PROGRAM BULLETIN, SPECIAL COUNTIES, KANSAS SUPPLEMENT NO. 1

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the ACP-1940 Special Counties, Kansas Bulletin,² as approved April 9, 1940, is hereby amended as follows:

Section 6 (a) (1) is amended to read as follows:

Wheat. 50 cents per bushel of the normal yield for the farm for each acre planted to wheat in excess of the wheat acreage allotment on a wheat allotment farm or for each acre of wheat har-

¹ 5 F.R. 1468.

² 5 F.R. 1390.

vested for grain or for any other purpose after reaching maturity in excess of its wheat acreage allotment or 10 acres, whichever is larger, on a non-wheat allotment farm.

Done at Washington, D. C., this 17th day of May 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-2020; Filed, May 17, 1940;
11:51 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued under Section 14 of the said Act and § 522.5 of Regulations Part 522, as amended, to the employers listed below effective May 18, 1940. These Certificates may be canceled in the manner provided for in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review of the action taken in accordance with the provisions of §§ 522.13 or 522.5 (b), whichever is applicable of the aforementioned Regulations.

The employment of learners under these Certificates is limited to the occupations, learning periods, and minimum wage rates specified in the Determination or Order for the Industry designated below opposite the employer's name and published in the FEDERAL REGISTER as here stated:

Regulations, Part 522, May 23, 1939 (4 F.R. 2088), and as amended October 12, 1939 (4 F.R. 4226).

Hosiery Order, August 24, 1939 (4 F.R. 3711).

Apparel Order, October 12, 1939 (4 F.R. 4225).

Knitted Wear Order, October 24, 1939 (4 F.R. 4351).

Textile Order, November 8, 1939 (4 F.R. 4531).

Glove Order, February 20, 1940 (5 F.R. 714).

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EXPIRATION DATE

Interwoven Stocking Company, Morristown, Tennessee; Hosiery; Seamless; 33 learners; September 18, 1940.

Signed at Washington, D. C., this 17th day of May, 1940.

MERLE D. VINCENT,
*Authorized Representative
of the Administrator.*

[F. R. Doc. 40-2011; Filed, May 17, 1940;
10:29 a. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 397]

IN THE MATTER OF THE APPLICATION OF AMERICAN AIRLINES, INC., FOR AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding, being the application of American Airlines, Inc., for an amendment to its certificate of public convenience and necessity to include Windsor, Ontario, in the Dominion of Canada, and Niagara Falls, New York, as intermediate points on route No. 7, is hereby assigned for public hearing on June 19, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th Street NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated Washington, D. C., May 15, 1940

By the Authority.

[SEAL]

PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 40-2015; Filed, May 17, 1940;
11:07 a. m.]

[Docket No. 403]

IN THE MATTER OF THE APPLICATION OF EASTERN AIR LINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF HEARING

The above-entitled proceeding, being the application of Eastern Air Lines, Inc., for a certificate of public convenience and necessity authorizing transportation of mail from the roof-top of the Philadelphia Post Office Building, Philadelphia, Pa., to the airport at Camden, New Jersey, is hereby assigned for public hearing on May 22, 1940, 10 o'clock a. m. (Eastern Standard Time) at the Carlton Hotel, 923 16th Street NW., Washington, D. C., before an Examiner of the Authority.

Dated Washington, D. C., May 15, 1940.

By the Authority.

[SEAL]

PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 40-2016; Filed, May 17, 1940;
11:07 a. m.]

[Docket No. 19-401(E)-1]

IN THE MATTER OF THE APPLICATION OF RAILWAY EXPRESS AGENCY, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

NOTICE OF ORAL ARGUMENT

The above-entitled proceeding is assigned for oral argument before the Au-

thority on May 23, 1940, 10 o'clock a. m. (Eastern Standard Time) in Room 5044 Commerce Building, Washington, D. C. Dated Washington, D. C., May 16, 1940. By the Authority.

[SEAL]

PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 40-2017; Filed, May 17, 1940;
11:07 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4085]

IN THE MATTER OF EDWIN CIGAR COMPANY, INC., A CORPORATION, TRADING ALSO AS CIGAR MAKERS' FEDERATION, HOUSE OF WESTMINSTER, LTD., A CORPORATION, TRADING ALSO AS WESTMINSTER PIPE COMPANY, WESTMINSTER STEEL BLADE CO., AND WESTMINSTER STEEL CO., MAX ROSENBLUM, JULES M. COLE, AND LEONARD R. EDWIN, INDIVIDUALLY, AND AS OFFICERS AND DIRECTORS OF EDWIN CIGAR COMPANY, INC., AND HOUSE OF WESTMINSTER, LTD., AND TRADING ALSO AS CIGAR MAKERS' FEDERATION, WESTMINSTER PIPE CO., WESTMINSTER STEEL BLADE CO., AND WESTMINSTER STEEL CO., MRS. MAX ROSENBLUM, INDIVIDUALLY AND AS AN OFFICER AND DIRECTOR OF EDWIN CIGAR COMPANY, INC., AND AS DIRECTOR OF HOUSE OF WESTMINSTER, LTD., AND FREDI MANNARA, JOHN SCHWAB, RUTH HESS, CHARLES GROTHE, AND PARK G. SHAW, INDIVIDUALS, TRADING AS CIGAR MAKERS' FEDERATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 14th day of May, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, May 22, 1940, at nine o'clock in the forenoon of that day (eastern standard time) in the St. George Hotel, Brooklyn, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2012; Filed, May 17, 1940;
11:03 a. m.]

[Docket No. 4126]

IN THE MATTER OF JACOB MOSS, TRADING
AS LONDON TOBACCO COMPANY

ORDER APPOINTING EXAMINER AND FIXING
TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of May, A. D. 1940.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal

Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41);

It is ordered, That Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, May 27, 1940, at nine o'clock in the forenoon of that day (eastern standard time) in Court Room No. 5,

12th Floor, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-2013; Filed, May 17, 1940;
11:03 a. m.]

